

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

TERRY LEE CLIFTON,)	
)	
Plaintiff,)	
)	
v.)	No. 2:15-CV-138-JRG-MCLC
)	
DERRICK SCHOFIELD, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

On May 1, 2017, the Court entered an order in this prisoner's pro se civil rights action under 42 U.S.C. § 1983 and mailed it to Plaintiff [Doc. 90]. That order directed Plaintiff to show cause as to why this action should not be dismissed for his failure to provide the Court with an updated address and his failure to prosecute his case [*Id.*]. The order also forewarned Plaintiff that, unless within ten (10) days of the date on the order, Plaintiff notified the Court of his current address and of his desire to litigate his claims, the Court would grant Defendants' motion to dismiss and, without further notice to Plaintiff, would dismiss his case [*Id.*].

On May 12, 2017, the correspondence containing that order was returned to the Court, with the face of the envelope marked, "Not at This Facility, Paroled" [Doc. 91]. It thus remains that Plaintiff has failed to apprise the Court of his updated address and of whether he desires to advance his claims.

Therefore, Defendants' motion to dismiss [Doc. 89] is **GRANTED** and this action is **DISMISSED** for Plaintiff's failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962) (recognizing a court's

authority to dismiss a case sua sponte for lack of prosecution); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

In view of the reason for this dismissal, the Court **CERTIFIES** that any appeal from this dismissal would not be taken in good faith. *See* Fed. R. App. P. 24. Accordingly, should Plaintiff file a notice of appeal, he also must pay the full appellate filing fee of five-hundred, five dollars (\$505.00) or submit a motion for leave to appeal *in forma pauperis* and any required supporting documentation.

Finally, the Clerk is **DIRECTED** to close the file.

SO ORDERED.

s/J. RONNIE GREER

UNITED STATES DISTRICT JUDGE